



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

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Third District

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Fifth District

September 4, 2014

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

Executive Summary

This memorandum contains a report on actions taken by the Legislature before adjourning on August 30, 2014 on legislation of County interest. The Governor has until September 30, 2014 to sign or veto measures passed by the Legislature.

Status of Legislation of County Interest. A report on 14 measures of significant County interest related to: 1) adding a hospital in Contra Costa County to the list of designated public hospitals; 2) changes to In-Home Supportive Services (IHSS) Program collective bargaining; 3) gun violence restraining orders; 4) conducting special elections; 5) social worker voluntary disclosures; 6) sentencing of misdemeanor defendants; 7) the Medi-Cal Patient-Centered Communication Program; 8) Medi-Cal renewal; 9) special markings on BB guns; 10) Medi-Cal eligibility; 11) social impact partnerships; 12) Human Services Budget Trailer bill; 13) Public Safety Budget Trailer bill; and 14) IHSS Program prospective provider orientations.

"To Enrich Lives Through Effective And Caring Service"

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Legislation of County Interest

AB 39 (Skinner), which as amended on August 21, 2014, would: 1) require the California Department of Health Care Services to seek Federal approval to add the Doctors Medical Center in Contra Costa County, to the list of designated public hospitals eligible to receive Medicaid reimbursements on a Certified Public Expenditure basis; 2) appropriate \$3.0 million in State General Fund to the Doctors Medical Center; and 3) cite legislative findings and declarations that a special law is necessary to prevent the imminent closure of the hospital, was held in the Senate Rules Committee, and will not proceed this year. However, to provide funding for the Doctors Medical Center, **SB 883 (Hancock)** was amended on August 30, 2014 to appropriate \$3.0 million from the Major Risk Medical Insurance Fund to the hospital. This bill does not include other provisions of AB 39. SB 883 passed the Senate Floor by a vote of 22 to 11 on August 30, 2014, and now proceeds to the Governor. SB 883 is an urgency measure and would be effective immediately if signed by the Governor.

AB 485 (Gomez), which as amended on February 18, 2014, would: 1) expand the current In-Home Supportive Services (IHSS) Statewide Authority to assume responsibility for collective bargaining with unions representing IHSS providers in all 58 counties effective January 1, 2015, instead of the eight counties currently participating in the Coordinated Care Initiative (CCI) Demonstration Project; 2) de-link the IHSS Statewide Authority from the implementation of the CCI Demonstration Project so that the Authority is permanent regardless of what happens with the CCI; and 3) de-link the CCI from the existing county IHSS Maintenance of Effort funding structure, among other provisions, was held on the Assembly Floor, and will not proceed this year.

AB 1014 (Skinner and Williams), which as amended on August 21, 2014, would: 1) establish a procedure to obtain a gun violence restraining order and a firearm and ammunition seizure warrant when a person poses a significant risk of personal injury to himself or herself, or others, by possessing a firearm and ammunition; and 2) authorize a law enforcement officer, or immediate family member, to seek a court to issue a gun violence restraining order, as specified, prohibiting a person from having in his or her custody or control, owning, purchasing, possessing or receiving any firearms or ammunition, passed the Assembly Floor by a vote of 48 to 28 on August 29, 2014. This measure now proceeds to the Governor.

AB 1873 (Gonzalez), which would allow counties to conduct legislative and Congressional special elections only by mail, was amended on August 22, 2014. As amended, this measure would, until January 1, 2020, authorize San Diego County to conduct, as a pilot program, an all-mail ballot special election or special consolidated

election to fill a Congressional or legislative vacancy. AB 1873 passed the Assembly Floor, with concurrence of Senate amendments, by a vote of 47 to 29 on August 28, 2014, and now proceeds to the Governor.

AB 1978 (Jones-Sawyer), which as amended on August 22, 2014, would: 1) require the California Department of Social Services (CDSS), in consultation with counties and labor organizations, to establish a process no later than January 1, 2016, to receive voluntary disclosures from social workers, if a social worker has reasonable cause to believe that a child welfare-related policy, procedure, or practice by a county child welfare agency endangers the health or well-being of a child; 2) prohibit CDSS from disclosing the identity of a social worker making a disclosure, unless the social worker has consented to the disclosure and other factors; 3) require CDSS, no later than January 1, 2018, to report to the Legislature, and post on its Internet Web site, the total number of relevant disclosures received and a summary description of the issues raised; and 4) provide that a county social worker may comment publicly on a child death review if the county child welfare agency comments publicly about the case within the scope of the release of information.

The Department of Children and Family Services (DCFS) and County Counsel indicate that AB 1978 establishes a process by which a social worker may confidentially submit his or her concerns to the agency. According to DCFS and County Counsel, the County impact of AB 1978 has not yet been determined since the bill requires that the State set up a process to receive voluntary disclosures from social workers and allows social workers to comment on public disclosures already made by a child welfare agency regarding child death reviews. However, the impact of this measure would likely be minimal and even favorable if it led to process improvement. This office will continue to work with DCFS and County Counsel to determine any County impact from this measure.

AB 1978 passed the Assembly Floor, with concurrence of Senate amendments, by a vote of 69 to 10 on August 28, 2014. This measure now proceeds to the Governor.

AB 2124 (Lowenthal), which as amended on August 22, 2014, would until January 1, 2018, establish a pilot program in Los Angeles County to authorize a superior court judge to defer sentencing of certain first-time misdemeanor defendants for up to 12 months, and to dismiss the charges if the defendant complies with court-ordered terms and conditions, passed the Assembly Floor, with concurrence of Senate amendments, by a vote of 46 to 31 on August 29, 2014. This measure now proceeds to the Governor.

AB 2325 (Pérez), which as amended on June 12, 2014, would require the California Department of Health Care Services to establish the Medi-Cal Patient-Centered Communication Program to provide and reimburse medical interpretation services for Medi-Cal beneficiaries who are limited English proficient, and grant collective bargaining rights to the interpreters, passed the Assembly Floor by a vote of 54 to 24 on August 28, 2014. This measure now proceeds to the Governor.

SB 18 (Leno and Hernandez), which as amended on August 18, 2014, would: 1) require the California Department of Health Care Services (DHCS) to accept contributions by private foundations in the amount of at least \$6.0 million to provide Medi-Cal renewal assistance payments, starting January 1, 2015; and 2) require DHCS, in collaboration with the County Welfare Directors Association and legal services organizations, to develop renewal assistance training for community-based organizations, passed the Senate Floor, with concurrence of Assembly amendments, by a vote of 24 to 10 on August 28, 2014. This measure now proceeds to the Governor.

SB 199 (De León), which as amended on August 22, 2014, would require airsoft guns that expel projectiles, such as a BB or a pellet, to be fluorescent-colored, passed the Senate Floor by a vote of 23 to 12 on August 28, 2014. This measure now proceeds to the Governor.

SB 508 (Hernandez), which as amended on August 18, 2014, would make changes to the eligibility requirements for the Medi-Cal program to codify existing eligibility levels under the State's expanded eligibility in the Federal Affordable Care Act, including conforming existing law to the Federal requirement to use modified adjusted gross income for eligibility determination, among other provisions, passed the Senate Floor, with concurrence of Assembly amendments, by a vote of 25 to 11 on August 26, 2014. This measure now proceeds to the Governor.

SB 593 (Lieu), which as amended on August 22, 2014, would authorize the Governor, or designee, to solicit proposals for social impact partnerships using pay-for-success contracting, and to enter into pay-for-success social impact partnerships, or other model of social innovation financing, before December 31, 2019, to address particular components of State programs to improve outcomes or lower State costs, to reduce recidivism and child abuse and neglect, or to assist at-risk and foster children, among other provisions, passed the Senate Floor, with concurrence of Assembly amendments, by a vote of 36 to 0 on August 28, 2014. This measure now proceeds to the Governor.

SB 873 (Budget and Fiscal Review Committee), which as amended on August 27, 2014, is the Human Services Clean-up Trailer Bill to make necessary statutory changes to implement the FY 2014-15 State Budget Act. SB 873 would: 1) deem an In-Home Supportive Services (IHSS) provider, if certain conditions are met, authorized to work a

recipient's county-approved adjusted hours for the week when a recipient's weekly authorized hours are adjusted, among other factors, which conforms to the agreement resulting in the enactment of the IHSS overtime changes in the FY 2014-15 State Budget Act; 2) provide clean-up language to the Approved Relative Caregiver Funding Option Program established under the FY 2014-15 State Budget Act, beginning on January 1, 2015, and remove the requirement that the funding of the applicable per-child CalWORKs grant be limited to Federal funds received, which was unintentional in the original drafting of the law; and 3) require the California Department of Social Services, subject to funding availability, to contract with non-profit legal services organizations to provide legal services to unaccompanied undocumented minors who are transferred to the care and custody of the Federal Office of Refugee Resettlement and who are present in the State, among other provisions. SB 873 passed the Senate Floor, with concurrence of Assembly amendments, by a vote of 27 to 8 on August 29, 2014. This measure now proceeds to the Governor. SB 873 is an urgency measure and would be effective immediately if signed by the Governor. This office is working with the Department of Public Social Services and the Department of Children and Family Services to determine any County impact from this measure.

SB 875 (Budget and Fiscal Review Committee), which as amended on August 13, 2014, is the Public Safety Budget Trailer Bill to make necessary statutory changes to implement the FY 2014-15 State Budget Act, and would allocate \$5.0 million to the Board of State and Community Corrections for the Community Recidivism Reduction Grant Program, under which counties are eligible to receive funds to develop local, competitive grants to fund community recidivism and crime reduction services, among other provisions. SB 875 passed the Senate Floor, with concurrence of Assembly amendments, by a vote of 27 to 8 vote on August 29, 2014, and now proceeds to the Governor. SB 875 is an urgency measure and would be effective immediately if signed by the Governor.

This measure is the accompanying legislation to AB 1837 (Atkins) to make use of these funds. AB 1837, which as amended on August 21, 2014, would establish, until January 1, 2020, the Social Innovation Financing Program to provide grants to three counties for the purpose of utilizing pay-for-success contracts to reduce recidivism, passed the Assembly Floor, with concurrence of Senate amendments, by a vote of 74 to 0 on August 27, 2014, and now proceeds to the Governor.

SB 878 (Budget and Fiscal Review Committee), which as amended on August 27, 2014, would add to the list of required topics to be included during the In-Home Supportive Services (IHSS) Program prospective provider orientation, such as the Federal and State requirements regarding minimum wage and overtime pay. This measure also requires the following no later than April 1, 2015: 1) the IHSS provider orientation be an onsite orientation that all prospective providers must attend in person;

2) any oral presentation and written materials presented at the orientation be translated into all IHSS threshold languages in the county, which the California Department of Social Services will be required to provide to counties to share at orientations; and 3) representatives of the recognized employee organization in the county must be permitted to make a presentation of up to 30 minutes at the orientation, among other provisions. SB 878 is an urgency measure and would be effective immediately if signed by the Governor.

The Department of Public Social Services (DPSS) indicates that, based on its preliminary review of SB 878, this measure could result in immediate changes to the department's IHSS program orientations, based on new information/content provided by the State. In addition, there would be a workload impact in having to train staff on the new orientation/content. Moreover, the requirement under SB 878 that orientations be onsite removes any potential for providing them on-line or through other means which could be more convenient for this unpaid pre-employment activity for IHSS providers. DPSS further indicates that as long as the current IHSS Maintenance of Effort fiscal framework remains in place, there would be no additional Net County Cost for workload increases if this bill is enacted. This office will continue to work with DPSS to determine any County impact from this measure.

SB 878 passed the Senate Floor, with concurrence of Assembly amendments, by a vote of 24 to 10 on August 29, 2014. This measure now proceeds to the Governor.

We will continue to keep you advised.

WTF:RA
MR:OR:IGEA:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants